

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98-2611-000]

Powerhouse Systems, Inc.; Notice of Withdrawal

June 18, 1998.

Take notice that on June 15, 1998, Powerhouse Systems, Inc., tendered for filing a Notice of Withdrawal of its filing made on April 20, 1998, in Docket No. ER98-2611-000.

A copy of the notice is being served on Public Service Company of New Hampshire and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 216 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.216). All such motions and protests should be filed on or before June 30, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98-16705 Filed 6-23-98; 8:45 am]

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violation of the Federal Power Act and the Commission's regulations and policies because the District has retained excessive lands containing private homes and businesses within the project boundary. Complainants also request that the project boundary be changed to exclude privately developed areas on the island of Crescent Bar from the project boundary.

Pursuant to Rule 213(d) of the Commission's regulations, answers to complaints are due within 30 days after filing or, if noticed, after publication of the notice in the **Federal Register**, unless otherwise ordered.¹ In general, the Commission's policy is to publish notice in the **Federal Register** of complaints against hydroelectric licensees.²

Any person may file an answer, comments, protests, or a motion to intervene with respect to the complaint in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.213, and 385.214. In determining the appropriate action to take with respect to the complaint, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any answers, comments, protests, or motions to intervene must be received no later than 30 days after publication of this notice in the **Federal Register**.

David P. Boergers,

Acting Secretary.

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declaratory order in the above-captioned proceedings, pursuant to Section 385.207(a)(2) of the Commission's regulation, 18 CFR 385.207(a)(2). Mountain Rhythm seeks a determination from the Commission to terminate a controversy as to the status of its certification of project consistency with the Washington Coastal Zone Management Program for the proposed Boulder Creek Project No. 4270, one of six pending hydropower projects proposing development in the Nooksack River Basin in Whatcom County, Washington.¹

Mountain Rhythm submitted to the Washington Department of Ecology (Ecology) a certification of project consistency, in accordance with the Coastal Zone Management Act (CZMA)² in 1992.³ Ecology responded by letter, stating that the proposed project would affect land uses, water uses, and natural resources of the state's coastal zone, and that Ecology could not concur that the project is consistent with the Washington Coastal Zone Management Program until Mountain Rhythm provides necessary information and data, including an approved Shoreline Management Act permit.⁴ Most recently, in a letter dated March 13, 1998, Ecology reiterated its requirement that a shoreline permit is a prerequisite to the agency's concurrence and added that, as part of the state's Coastal Zone Management Program, Mountain Rhythm would need to conduct an Instream Flow Incremental Methodology Study to ensure that the state's water quality standards are met.⁵

¹ Mountain Rhythm's application for license for the Boulder Creek Project was evaluated by Commission staff in a multiple project final environmental impact statement issued for the Nooksack River Basin on September 1, 1997.

² 16 U.S.C. 1456(c)(3)(A). Section 307(c)(3)(a) of the CZMA provides that any applicant for a Federal license proposing to conduct an activity within or affecting a state's coastal zone must furnish to the state or CZMA agency all necessary information and data and a certification that the proposed activity complies with the enforceable policies of the state's approved program and that such activity will be conducted in a manner consistent with the program. No license can be issued by the Federal agency until the state or the designated CZMA agency concurs with the applicant's certification, or the agency's concurrence is conclusively presumed by its failure to act within 180 days of its receipt of the applicant's certification.

³ See Certification of Consistency, attached as Exhibit A of Mountain Rhythm's Motion for Declaratory Order.

⁴ See Letter from Washington Department of Ecology to William Devine, dated October 1, 1992, attached as Exhibit B of Mountain Rhythm's Motion for Declaratory Order.

⁵ See Letter from Washington Department of Ecology to Bill Devine, attached to Letter from Glacier Energy Company, on behalf of Mountain Rhythm, to the Secretary of the Federal Energy Regulatory Commission, dated March 29, 1998.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114-070]

Public Utility District No. 2 of Grant County, Washington; Notice Establishing Comment Period for Complaint

June 18, 1998.

On May 28, 1998, Crescent Bar, Inc., Crescent Bar Homeowners Association, Crescent Bar Resort condominium Association, and Commercial Leaseholders (complainants) filed a document entitled "Complaint of Crescent Bar Residents." The complainants request, pursuant to 18 CFR 385.206 of the Commission's regulations, that the Commission find the Public Utility District No. 2 of Grant County, Washington (District) to be in

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[Project Nos. 3721-001, 4270-001, 4282-001, 4312-001, 4628-001, 4738-002, and 9231-999]

Puget Sound Power & Light Company, Mountain Rhythm Resources, Mountain Water Resources, Watersong Resources, McGrew and Associates and City of Tacoma, Washington, McGrew, McMaster and Koch and City of Tacoma, Washington, and Scott Paper Company; Notice of Motion for Declaratory Order

June 18, 1998.

Public notice is given that on May 1, 1998, Mountain Rhythm Resources (Mountain Rhythm) filed a motion for

¹ 18 CFR 385.213(d). See also 18 CFR 385.202.

² 18 CFR 2.1(a)(1)(iii)(f).